

**FOOD MANAGERS IN FOOD ESTABLISHMENTS IN CERTAIN  
COUNTIES**

**CHAPTER 911**

S.B. No. 1158

**AN ACT**

**relating to food managers in food establishments in certain counties.**

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 437.0075(a), Health and Safety Code, is amended to read as follows:

(a) A county with a population of at least *four* ~~[2-8]~~ million may require a *certified or* trained food manager to be on duty during the operating hours of a food establishment.

SECTION 2. This Act takes effect September 1, 2017.

Passed the Senate on April 19, 2017: Yeas 28, Nays 3; passed the House on May 24, 2017: Yeas 144, Nays 2, two present not voting.

Approved June 15, 2017.

Effective September 1, 2017.

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**OPERATION AND ADMINISTRATION OF AND PRACTICE IN  
COURTS IN THE JUDICIAL BRANCH OF STATE  
GOVERNMENT; INCREASING A FEE**

**CHAPTER 912**

S.B. No. 1329

**AN ACT**

**relating to the operation and administration of and practice in courts in the judicial branch of state government; increasing a fee.**

*Be it enacted by the Legislature of the State of Texas:*

**ARTICLE 1. JURISDICTION OF ASSOCIATE JUDGES**

SECTION 1.01. Section 101.034, Family Code, as effective until September 1, 2018, is amended to read as follows:

Sec. 101.034. TITLE IV–D CASE. “Title IV–D case” means an action in which services are provided by the Title IV–D agency under Part D, Title IV, of the federal Social Security Act (42 U.S.C. Section 651 et seq.), relating to the location of an absent parent, determination of parentage, or establishment, modification, or enforcement of a child support or medical support obligation, *including a suit for modification filed by the Title IV–D agency under Section 231.101(d) and any other action relating to the services that the Title IV–D agency is required or authorized to provide under Section 231.101.*

SECTION 1.02. Section 101.034, Family Code, as effective on September 1, 2018, is amended to read as follows:

Sec. 101.034. TITLE IV–D CASE. “Title IV–D case” means an action in which services are provided by the Title IV–D agency under Part D, Title IV, of the federal Social Security Act (42 U.S.C. Section 651 et seq.), relating to the location of an absent parent, determination of parentage, or establishment, modification, or enforcement of a child support, medical support, or dental support obligation, *including a suit for modification filed by the Title IV–D agency under Section 231.101(d) and any other action relating to the services that the Title IV–D agency is required or authorized to provide under Section 231.101.*

SECTION 1.03. (a) Section 201.007, Family Code, is amended by amending Subsections (a) and (c) and adding Subsection (e) to read as follows:

(a) Except as limited by an order of referral, an associate judge may:

- (1) conduct a hearing;
- (2) hear evidence;
- (3) compel production of relevant evidence;
- (4) rule on the admissibility of evidence;
- (5) issue a summons for:
  - (A) the appearance of witnesses; and
  - (B) the appearance of a parent who has failed to appear before an agency authorized to conduct an investigation of an allegation of abuse or neglect of a child after receiving proper notice;
- (6) examine a witness;
- (7) swear a witness for a hearing;
- (8) make findings of fact on evidence;
- (9) formulate conclusions of law;
- (10) recommend an order to be rendered in a case;
- (11) regulate all proceedings in a hearing before the associate judge;
- (12) order the attachment of a witness or party who fails to obey a subpoena;
- (13) order the detention of a witness or party found guilty of contempt, pending approval by the referring court as provided by Section 201.013;
- (14) without prejudice to the right to a *de novo* hearing before the referring court ~~[of appeal]~~ under Section 201.015 and subject to Subsection (c), render and sign:
  - (A) a final order agreed to in writing as to both form and substance by all parties;
  - (B) a final default order;
  - (C) a temporary order; or
  - (D) a final order in a case in which a party files an unrevoked waiver made in accordance with Rule 119, Texas Rules of Civil Procedure, that waives notice to the party of the final hearing or waives the party's appearance at the final hearing;
- (15) take action as necessary and proper for the efficient performance of the associate judge's duties; and
- (16) render and sign a final order if the parties waive ~~[that includes a waiver of]~~ the right to a *de novo* hearing before the referring court under ~~[of appeal pursuant to]~~ Section 201.015 in writing before the start of a hearing conducted by the associate judge.

(c) A final order described by Subsection (a)(14) becomes final after the expiration of the period described by Section 201.015(a) if a party does not request a *de novo* hearing in accordance with that section. An order described by Subsection (a)(14) or (16) that is rendered and signed by an associate judge constitutes an order of the referring court.

(e) An order signed before May 1, 2017, by an associate judge under Subsection (a)(16) is a final order rendered as of the date the order was signed.

(b) Section 201.013(b), Family Code, is amended to read as follows:

(b) Except as provided by Section 201.007(c), if a request for a *de novo* hearing before the referring court is not timely filed ~~[or the right to a *de novo* hearing before the referring court is waived]~~, the proposed order or judgment of the associate judge becomes the order or judgment of the referring court only on the referring court's signing the proposed order or judgment.

(c) Section 201.014(a), Family Code, is amended to read as follows:

(a) *Except as otherwise provided in this subchapter, unless* ~~[Unless]~~ a party files a written request for a *de novo* hearing before the referring court, the referring court may:

- (1) adopt, modify, or reject the associate judge's proposed order or judgment;

(2) hear further evidence; or

(3) recommit the matter to the associate judge for further proceedings.

(d) Section 201.016(c), Family Code, is amended to read as follows:

(c) The date an agreed order, ~~[or]~~ a default order, or a final order described by Section 201.007(a)(16) is signed by an associate judge is the controlling date for the purpose of an appeal to, or a request for other relief relating to the order from, a court of appeals or the supreme court.

(e) The change in law made by this section to Section 201.007(a), Family Code, applies only to a final order signed by an associate judge on or after the effective date of this Act.

(f) Notwithstanding Subsection (a) of this section, Section 201.007(e), Family Code, as added by this Act, applies to an order signed by an associate judge under Section 201.007(a)(16), Family Code, before May 1, 2017. The legislature ratifies such an order.

SECTION 1.04. Section 201.204, Family Code, is amended by adding Subsection (d) to read as follows:

(d) *An associate judge may hear and render an order in a suit for the adoption of a child for whom the Texas Department of Family and Protective Services has been named managing conservator.*

## ARTICLE 2. DISTRICT COURTS

SECTION 2.01. (a) Effective September 1, 2018, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.597 to read as follows:

*Sec. 24.597. 453RD JUDICIAL DISTRICT (HAYS COUNTY). The 453rd Judicial District is composed of Hays County.*

(b) The 453rd Judicial District is created on September 1, 2018.

SECTION 2.02. (a) Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.6002 to read as follows:

*Sec. 24.6002. 458TH JUDICIAL DISTRICT (FORT BEND COUNTY). The 458th Judicial District is composed of Fort Bend County.*

(b) The 458th Judicial District is created on September 1, 2017.

SECTION 2.03. (a) Effective October 1, 2017, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.6003 to read as follows:

*Sec. 24.6003. 459TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a) The 459th Judicial District is composed of Travis County.*

(b) *The 459th District Court shall give preference to civil matters.*

(b) The 459th Judicial District is created on October 1, 2017.

SECTION 2.04. (a) Effective October 1, 2019, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.6004 to read as follows:

*Sec. 24.6004. 460TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a) The 460th Judicial District is composed of Travis County.*

(b) *The 460th District Court shall give preference to criminal matters.*

(b) The 460th Judicial District is created on October 1, 2019.

SECTION 2.05. (a) Effective January 1, 2019, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.6006 to read as follows:

*Sec. 24.6006. 462ND JUDICIAL DISTRICT (DENTON COUNTY). The 462nd Judicial District is composed of Denton County.*

(b) The 462nd Judicial District is created on January 1, 2019.

SECTION 2.06. (a) Effective January 1, 2019, Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.6008 to read as follows:

*Sec. 24.6008. 464TH JUDICIAL DISTRICT (HIDALGO COUNTY). The 464th Judicial District is composed of Hidalgo County.*

(b) The 464th Judicial District is created on January 1, 2019.

#### ARTICLE 3. STATUTORY COUNTY COURTS

SECTION 3.01. (a) Effective January 1, 2018, Section 25.0811, Government Code, is amended to read as follows:

Sec. 25.0811. FORT BEND COUNTY. Fort Bend County has the following statutory county courts:

- (1) County Court at Law No. 1 of Fort Bend County;
- (2) County Court at Law No. 2 of Fort Bend County;
- (3) County Court at Law No. 3 of Fort Bend County;
- (4) County Court at Law No. 4 of Fort Bend County; ~~and~~
- (5) County Court at Law No. 5 of Fort Bend County; *and*
- (6) *County Court at Law No. 6 of Fort Bend County.*

(b) The County Court at Law No. 6 of Fort Bend County is created on January 1, 2018.

SECTION 3.02. (a) Effective October 1, 2017, Subchapter C, Chapter 25, Government Code, is amended by adding Sections 25.0951 and 25.0952 to read as follows:

*Sec. 25.0951. GRIMES COUNTY. Grimes County has one statutory county court, the County Court at Law of Grimes County.*

*Sec. 25.0952. GRIMES COUNTY COURT AT LAW PROVISIONS. (a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Grimes County has concurrent jurisdiction with the district court in family law cases and proceedings.*

*(b) The judge of the county court at law shall be paid an annual salary set by the commissioners court in an amount that is at least equal to the amount that is \$1,000 less than the total annual salary, including contributions and supplements, received by a district judge in the county. The salary shall be paid by the county treasurer by order of the commissioners court.*

*(c) The judge of the county court at law is entitled to travel expenses and necessary office expenses, including administrative and clerical assistance, in the same manner as the district judge.*

*(d) The judge of a county court at law may not engage in the private practice of law.*

*(e) The district clerk serves as clerk of a county court at law for family cases and proceedings, and the county clerk serves as clerk for all other cases. The commissioners court may employ as many deputy sheriffs and bailiffs as are necessary to serve the court.*

*(f) If a case or proceeding in which a county court at law has concurrent jurisdiction with a district court is tried before a jury, the jury shall be composed of 12 members. In all other cases, the jury shall be composed of six members.*

*(g) The judge of a county court at law may, instead of appointing an official court reporter, contract for the services of a court reporter under guidelines established by the commissioners court.*

*(h) The laws governing the drawing, selection, service, and pay of jurors for county courts apply to a county court at law. Jurors regularly impaneled for a week by the district court may, on a request of a judge of the county court at law, be made available and shall serve for the week in a county court at law.*

*(i) A county court at law has the same terms of court as a district court in Grimes County.*

(b) The County Court at Law of Grimes County is created on October 1, 2017.

SECTION 3.03. (a) Effective October 1, 2018, Section 25.1071, Government Code, is amended to read as follows:

Sec. 25.1071. HAYS COUNTY. Hays County has the following statutory county courts:

- (1) the County Court at Law No. 1 of Hays County; ~~and~~
  - (2) the County Court at Law No. 2 of Hays County; *and*
  - (3) *the County Court at Law No. 3 of Hays County.*
- (b) The County Court at Law No. 3 of Hays County is created on October 1, 2018.

SECTION 3.04. Sections 25.2382(a), (g), (h), and (k), Government Code, are amended to read as follows:

(a) In addition to the jurisdiction provided by Section 25.0003 and other law, a county court at law in Walker County has concurrent jurisdiction with the district court in[:

~~[(1)] family law cases and proceedings[; and~~

~~[(2)] cases and proceedings involving justiciable controversies and differences between spouses, between parents, or between parent and child, or between any of these and third persons].~~

(g) The district clerk serves as clerk of a county court at law in *family law cases and proceedings* ~~[the cases enumerated in Subsections (a)(2)(B) and (C)]~~, and the county clerk serves as clerk of the court in all other matters. The commissioners court may employ as many deputy sheriffs and bailiffs as are necessary to serve a county court at law.

(h) The judge of a county court at law *shall set the* ~~[may, instead of appointing an] official court reporter's salary at an amount that does not exceed the salary of an official court reporter for a district court [reporter, contract for the services of a court reporter under guidelines established by the commissioners court].~~

(k) All cases appealed from the justice courts and other courts of inferior jurisdiction in the county shall be made *directly* ~~[direct]~~ to a county court at law, unless otherwise provided by law.

SECTION 3.05. Section 25.2382(e), Government Code, is repealed.

#### ARTICLE 4. JUDICIAL OATHS

SECTION 4.01. Chapter 602, Government Code, is amended by adding Section 602.007 to read as follows:

*Sec. 602.007. FILING OF OATH MADE BY CERTAIN JUDICIAL OFFICERS AND JUDICIAL APPOINTEES. The oath made and signed statement executed as required by Section 1, Article XVI, Texas Constitution, by any of the following judicial officers and judicial appointees shall be filed with the secretary of state:*

- (1) an officer appointed by the supreme court, the court of criminal appeals, or the State Bar of Texas; and*
- (2) an associate judge appointed under Subchapter B or C, Chapter 201, Family Code.*

#### ARTICLE 5. JUDICIAL PERSONNEL AND OFFICIALS

SECTION 5.01. Section 51.006, Government Code, is amended to read as follows:

Sec. 51.006. FEE FOR ATTORNEY'S LICENSE OR CERTIFICATE. The clerk shall collect a fee of \$25 ~~[\$10]~~ for the issuance of an attorney's license or certificate affixed with a seal. The fee shall be held by the clerk and expended by the supreme court or under the direction of the court for the preparation and issuance, including mailing, of the license or certificate.

#### ARTICLE 6. BAILIFFS

SECTION 6.01. Section 53.001, Government Code, is amended by adding Subsections (k) and (l) to read as follows:

*(k) The judges of the 244th, 358th, and 446th district courts shall each appoint a bailiff.*

*(l) The judge of the 271st District Court and the judges of the county courts at law in Wise County shall each appoint a bailiff.*

SECTION 6.02. Section 53.004, Government Code, is amended by amending Subsection (a) and adding Subsections (h) and (i) to read as follows:

(a) A bailiff in the 34th or ~~70th~~, 71st ~~or 161st~~ district court must be a resident of the county in which the bailiff serves the court and must be at least 18 years old.

*(h) A bailiff in the 70th, 161st, 244th, or 358th district court must be:*

- (1) a resident of the county in which the bailiff serves the court;*
- (2) at least 18 years of age; and*
- (3) a citizen of the United States.*

*(i) A bailiff in the 271st District Court or a county court at law in Wise County must be:*

- (1) at least 21 years of age; and*
- (2) a citizen of the United States.*

SECTION 6.03. Section 53.007(a), Government Code, is amended to read as follows:

(a) This section applies to:

- (1) the 34th, 70th, 71st, 86th, 97th, 130th, 142nd, 161st, 238th, 244th, 318th, 341st, 355th, 358th, ~~and~~ 385th, and 446th district courts;
- (2) the County Court of Harrison County;
- (3) the criminal district courts of Tarrant County;
- (4) the district courts in Taylor County;
- (5) the courts described in Section 53.002(c), (d), (e), or (f);
- (6) the county courts at law of Taylor County;
- (7) the district courts in Tarrant County that give preference to criminal cases; and
- (8) the 115th District Court in Upshur County.

SECTION 6.04. Section 53.0071, Government Code, is amended to read as follows:

Sec. 53.0071. BAILIFF AS PEACE OFFICER. Unless the appointing judge provides otherwise in the order of appointment, a bailiff appointed under Section 53.001(b), ~~or~~ (g), or (k) or 53.002(c), (e), or (f) is a "peace officer" for purposes of Article 2.12, Code of Criminal Procedure.

SECTION 6.05. Section 53.008, Government Code, is amended to read as follows:

Sec. 53.008. OATH. The bailiffs of the 34th, 70th, 86th, 97th, 130th, 142nd, 161st, 238th, 244th, 271st, 318th, 341st, 355th, 358th, ~~and~~ 385th, and 446th district courts, the bailiffs of the courts described in Section 53.002(c), (d), (e), or (f), the bailiffs and the grand jury bailiffs of the district courts in Tarrant County that give preference to criminal cases, the bailiffs and grand jury bailiffs of the criminal district courts in Tarrant County, the bailiffs of the district courts in Taylor County, ~~and~~ the bailiffs of the county courts at law of Taylor County, and the bailiffs of the county courts at law of Wise County shall each swear to the following oath, to be administered by the judge: "I solemnly swear that I will faithfully and impartially perform all duties as may be required of me by law, so help me God."

SECTION 6.06. Section 53.009, Government Code, is amended by adding Subsection (o) to read as follows:

*(o) Each bailiff appointed by the judge of the 271st District Court or appointed by a county court at law judge in Wise County is entitled to receive a salary that does not exceed the salary of a lieutenant in the sheriff's department of the county. The salary is paid out of the general fund of the county.*

## ARTICLE 7. EFFECTIVE DATE

SECTION 7.01. Except as otherwise provided by this Act, this Act takes effect September 1, 2017.

Passed the Senate on April 6, 2017: Yeas 31, Nays 0; May 25, 2017, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 26, 2017, House granted request of the Senate; May 28, 2017, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 0; passed the House, with amendments, on May 19, 2017: Yeas 144, Nays 0, one present not voting; May 26, 2017, House granted request of the Senate for appointment of Conference Committee; May 27, 2017, House adopted Conference Committee Report by the following vote: Yeas 144, Nays 0, two present not voting.

Approved June 15, 2017.

Effective September 1, 2017, except Sections 2.03 and 3.02 take effect October 1, 2017; Section 3.01 takes effect January 1, 2018; Section 2.01 takes effect September 1, 2018; Section 3.03 takes effect October 1, 2018; Sections 2.05 and 2.06 take effect January 1, 2019; and Section 2.04 takes effect October 1, 2019.

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**CAPTURE, USE, OR RECORDING OF CERTAIN ITEMS FOR  
COMMERCIAL PURPOSES, INCLUDING THE PROSECUTION  
OF CRIMINAL OFFENSES REGARDING UNAUTHORIZED  
RECORDINGS**

**CHAPTER 913**

S.B. No. 1343

**AN ACT**

**relating to the capture, use, or recording of certain items for commercial purposes,  
including the prosecution of criminal offenses regarding unauthorized recordings.**

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 503.001, Business & Commerce Code, is amended by adding Subsection (e) to read as follows:

*(e) This section does not apply to voiceprint data retained by a financial institution or an affiliate of a financial institution, as those terms are defined by 15 U.S.C. Section 6809.*

SECTION 2. Section 641.001(4), Business & Commerce Code, is amended to read as follows:

(4) "Recording" means a tangible medium on which sounds, images, or both are recorded or otherwise stored, including:

(A) an original phonograph record, disc, tape, audio or video cassette, wire, film, memory card, flash drive, hard drive, data storage device, or other medium now existing or later developed; or

(B) a copy or reproduction that wholly or partly duplicates the original.

SECTION 3. Section 641.054, Business & Commerce Code, is amended to read as follows:

Sec. 641.054. **IMPROPER LABELING.** (a) A person commits an offense if:

(1) for commercial advantage or private financial gain, the person knowingly:

(A) advertises, offers for sale, sells, rents, or transports a recording;

(B) causes the sale, resale, rental, or transportation of a recording; or

(C) possesses a recording for a purpose described by Paragraph (A) or (B); and